

**REMARKS**

Claims 1-4, 8-13, and 21-24 are pending in this application. Claim 8 is withdrawn from examination as being directed to a non-elected species, but is respectfully requested to be reinstated and allowed upon allowance of respective generic claim 1 from which it depends. Based on the following remarks, reconsideration and allowance of the application is respectfully requested.

**Claim Rejections - 35 U.S.C. §102**

Claims 1-4, 9-13, 21, 23 and 24 stand rejected under 35 U.S.C. §102(b), as being allegedly anticipated by U.S. Patent No. 5,560,362 ("Sliwa"). In order to sustain a rejection under §102, each element in the rejected claim must be found, either expressly or inherently, in the cited reference. Applicant respectfully traverses this rejection, since Sliwa does not disclose each and every element required by these claims.

Independent apparatus claims 1 and 10 each recite a catheter and a transducer secured to the catheter. Independent claim 1 further recites that the catheter comprises a channel located adjacent the transducer adapted for carrying cooling fluid. Independent claim 10 further recites that the catheter comprises a distal end, a proximal end and a lumen extending there between and also recites a means for cooling the catheter distal end. Independent method claim 21 includes a step of introducing a catheter carrying a transducer into a body.

In contrast, Sliwa discloses several embodiments of an ultrasound transducer, each embodiment comprising a case 2, an electroacoustic transducer device assembly disposed within the case 2, a cooling arrangement and a cable 4 connecting the case 2 to an ultrasound console 9. The Examiner relies specifically on the disclosure at col. 21, line 63

through col. 22, line 3 in the Sliwa reference for the teaching of a catheter (see lines 3-4 of paragraph 4 of the Office Action dated October 5, 2007). While Sliwa vaguely mentions multi-element catheter-based imaging, Sliwa does not teach how (or even if) a transducer and a cooling means are arranged relative to the catheter. Thus, regarding claim 1, Sliwa does not specifically teach or suggest a transducer secured to a catheter or that the catheter comprises a channel located adjacent the transducer adapted for carrying cooling fluid, nor does the Examiner even address these elements of claim 1.

Regarding claim 10, Sliwa does not teach or suggest a transducer secured to a catheter that comprises a distal end, a proximal end and a lumen extending there between and a means for cooling the catheter distal end, nor are these limitations of claim 10 even addressed in the Office Action. Regarding claim 21, Sliwa does not teach or suggest a step of introducing a catheter carrying a transducer into a body, nor is this limitation of claim 10 even addressed in the Office Action.

For at least these reasons, Applicant respectfully submits that independent claims 1, 10, and 21, along with the remaining claims which depend there from, are not anticipated by Sliwa, and respectfully requests withdrawal of the §102 rejection of these claims.

#### Claim Rejections - 35 U.S.C. §103

Claim 22 stands rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Sliwa and the Examiner's Official Notice. Applicant respectfully traverses this rejection, since Sliwa, combined with the Examiner's Official Notice (even if proper, which applicant does not concede) still does not disclose, teach, or suggest the combination of elements required by claim 22. In particular, claim 22 incorporates all of the elements of claim 21. As discussed above, Sliwa does not disclose the method of delivering acoustic

energy to a tissue region by introducing a catheter that carries a transducer into a body, and the Examiner's taking of Official Notice does not supplement this failed teaching.

For at least these reasons, Applicant respectfully submits that claim 22 is not obvious over Sliwa, and as such, requests withdrawal of the §103 rejection.

### **CONCLUSION**

For the reasons set forth above, Applicant respectfully submits that the currently pending claims are patentable over the cited prior art. A notice of allowance is respectfully requested.

If there are any questions concerning this amendment and response, please contact the undersigned at the number below.

Respectfully submitted,  
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